

# **Title 25: INTERNAL SECURITY AND PUBLIC SAFETY**

## **Chapter 317: PREVENTIVE MEASURES AND RESTRICTIONS**

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**Maine Revised Statutes**  
**Title 25: INTERNAL SECURITY AND PUBLIC SAFETY**  
**Chapter 317: PREVENTIVE MEASURES AND RESTRICTIONS**

**§2431. RESTRICTION OF CERTAIN OCCUPATIONS IN MARITIME TOWNS**  
***(REPEALED)***

SECTION HISTORY  
1977, c. 177, (RP).

**§2432. REMOVAL OR REPAIR OF DEFECTIVE STOVES, BOILERS AND THE LIKE**

On complaint of any citizen that a stove, stovepipe, oven, furnace, boiler or appurtenance is defective, out of repair or so placed in any building as to endanger it or any other building, the Commissioner of Public Safety or municipal officers of any town of not more than 2,000 inhabitants, if satisfied that such complaint is well founded, shall give written notice to the owner or occupant of such building, and if the owner or occupant unnecessarily neglects for 3 days to remove or repair the same effectually, the owner or occupant forfeits not less than \$10 nor more than \$100. [1991, c. 198, §2 (AMD).]

SECTION HISTORY  
1971, c. 592, §35 (AMD). 1991, c. 198, §2 (AMD).

**§2433. SMOKING RESTRICTIONS**  
***(REPEALED)***

SECTION HISTORY  
1999, c. 652, §2 (RP).

**§2434. DISPOSAL OF LIGHTED MATCHES, CIGARETTES, ETC.**  
***(REPEALED)***

SECTION HISTORY  
1965, c. 365, §4 (RPR). 1979, c. 545, §16 (RP).

**§2435. KINDLING FIRE WITH INTENT TO INJURE ANOTHER**

Whoever with intent to injure another causes a fire to be kindled, whereby the property of any other person is injured or destroyed, commits a Class D crime. [1991, c. 797, §12 (AMD).]

SECTION HISTORY  
1991, c. 797, §12 (AMD).

**§2436. TIME AND MANNER FOR KINDLING LAWFUL FIRES**  
***(REPEALED)***

SECTION HISTORY  
1979, c. 545, §17 (RP).

**§2436-A. BURNING OF DEBRIS****(REPEALED)**

## SECTION HISTORY

1965, c. 365, §5 (NEW). 1979, c. 663, §152 (AMD). 1981, c. 115, (AMD).  
1983, c. 504, §5 (RP).

**§2437. LUMBER DRIVERS MAY KINDLE NECESSARY FIRES****(REPEALED)**

## SECTION HISTORY

1971, c. 97, §8 (RP).

**§2438. EXTINGUISHMENT OF CAMP, COOKING OR OTHER FIRES; FINES****(REPEALED)**

## SECTION HISTORY

1975, c. 43, §1 (AMD). 1979, c. 545, §18 (RP).

**§2439. COMMON LAW REMEDY PRESERVED**

The common law right to an action for damages done by fires is not taken away or diminished and it may be pursued notwithstanding the penalties set forth in chapters 313 to 321. [1979, c. 663, §153 (RPR).]

## SECTION HISTORY

1971, c. 622, §83 (AMD). 1979, c. 541, §A166 (AMD). 1979, c. 545, §4 (AMD). 1979, c. 663, §153 (RPR).

**§2440. PENALTIES; RECOVERY AND APPROPRIATION**

Penalties provided in sections 2432 and 2439 may be recovered by complaint, indictment or civil action, 1/2 to the municipality where the offense is committed and 1/2 to the State. [1999, c. 652, §3 (AMD).]

## SECTION HISTORY

1971, c. 622, §84 (AMD). 1975, c. 43, §2 (AMD). 1975, c. 533, (AMD).  
1975, c. 770, §111 (RPR). 1979, c. 127, §157 (AMD). 1979, c. 545, §5 (RPR).  
1979, c. 556, §7 (AMD). 1979, c. 663, §154 (RPR). 1999, c. 652, §3 (AMD).

**§2441. EXPLOSIVES OR INFLAMMABLES; RULES****(REPEALED)**

## SECTION HISTORY

1967, c. 316, (AMD). 1971, c. 592, §35 (AMD). 1973, c. 725, §2 (AMD).  
1975, c. 771, §265 (AMD). 1979, c. 107, (AMD). 1983, c. 174, §2 (AMD).  
1983, c. 785, §7 (AMD). 1989, c. 135, (AMD). 1991, c. 464, §§5,6 (AMD).  
1997, c. 727, §C6 (AMD). 1999, c. 652, §4 (RP).

**§2442. RECOVERY OF DAMAGES FOR EXPLOSION**

A person injured by the explosion of such articles in the possession of any person contrary to such regulations has an action for damages against such possessor, or against the owner, if cognizant of such neglect.

**§2443. SEARCH FOR EXPLOSIVES**

*(REPEALED)*

## SECTION HISTORY

1999, c. 652, §5 (RP).

**§2444. TRANSPORTATION OF EXPLOSIVES**

*(REPEALED)*

## SECTION HISTORY

1971, c. 592, §35 (AMD). 1997, c. 728, §23 (AMD). 1999, c. 652, §6 (RP).

**§2445. STANDARDS FOR INSTALLING GAS APPLIANCES**

*(REPEALED)*

## SECTION HISTORY

1971, c. 592, §35 (AMD). 1999, c. 652, §7 (RP).

**§2446. APPROVAL OF CERTAIN APPLIANCES**

*(REPEALED)*

## SECTION HISTORY

1985, c. 11, §1 (AMD). 1999, c. 652, §8 (RP).

**§2447. APPROVAL OF CERTAIN COMPOUNDS**

No individual, partnership or corporation may sell or offer for sale in this State any type of flame retardant or flame proofing compound, powder or liquid, or any fire extinguisher, or any compound, powder or liquid utilized for fire extinguishing purposes unless such product shall have the approved listing of any nationally recognized laboratory that meets the standards of the National Bureau of Standards, United States Department of Commerce. [1985, c. 11, §2 (AMD).]

The expense involved in ascertaining if such product shall be approved shall be paid by the individual, partnership or corporation selling or offering the same for sale.

Any violation of this section shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

## SECTION HISTORY

1985, c. 11, §2 (AMD).

**§2447-A. CELLULOSE FIBER INSULATION STANDARDS**

**1. Prohibition.** No individual, partnership or corporation may sell or offer for sale in this State, in person, by mail or otherwise, any type of cellulose fiber insulation unless that product is either:

A. Certified by a nationally recognized testing laboratory as meeting ASTM E-84, Class I requirements; or [1977, c. 639, §1 (NEW).]

B. Certified by the Department of Industrial Cooperation, University of Maine System, as meeting requirements comparable to ASTM E-84, Class I requirements. [1985, c. 779, §68 (AMD).]

No individual, partnership or corporation may sell or offer for sale in this State, in person, by mail or otherwise, any cellulose fiber insulation which does not conform to any rule established by the State Fire Marshal under subsection 2. The Department of Industrial Cooperation of the University of Maine System shall not be liable as a result of any damage or injury caused by or arising out of the installation or use of insulation certified by the department.

[ 1985, c. 779, §68 (AMD) .]

**2. Rules.** The State Fire Marshal shall, in accordance with the Maine Administrative Procedure Act, establish rules setting forth standards for cellulose fibre insulation which may be sold in this State. These rules shall be no less stringent than current federal specifications for Insulation Thermal: Cellulosic or Wood Fibre, and may exceed the federal standards if, in the judgment of the State Fire Marshal, the action is deemed necessary to protect the health and safety of the public. The State Fire Marshal may incorporate in those rules provisions for testing procedures different from those established by federal specifications where, in his judgment, these federal tests cannot conveniently be conducted in Maine or are not appropriate for Maine use.

[ 1977, c. 639, §1 (NEW) .]

**3. Penalty.** Any violation of this section shall be a Class E crime.

[ 1977, c. 639, §1 (NEW) .]

#### SECTION HISTORY

1977, c. 639, §1 (NEW). 1985, c. 779, §68 (AMD).

## §2447-B. FOAM PLASTIC INSULATION STANDARDS

**1. Prohibition.** No individual, partnership or corporation shall install in this State any type of foam plastic insulation unless that product complies with and is installed in accordance with the following requirements.

A. Unless otherwise excepted in the following subparagraphs, all foam plastic or foam plastic cores of manufactured assemblies shall have a flame-spread rating of not more than 75 and a smoke-developed rating of not more than 450 when tested in the maximum thickness intended for use in accordance with ASTM E-84. For all such installations, the foam plastic shall be separated from habitable or occupiable spaces by an approved thermal barrier of 1/2 inch gypsum wallboard or equivalent thermal barrier material which will limit the average temperature rise of the unexposed surface to not more than 250° F. after 15 minutes of fire exposure complying with the ASTM E-119 standard time-temperature curve. Thermal barriers shall be installed in a manner that assures they will stay in place for a minimum of 15 minutes under the same test exposure conditions.

(1) Foam plastics may be used without the thermal barrier described in this paragraph when the foam plastic is protected by a minimum of one inch thickness of masonry or concrete.

(2) Foam plastics when tested in a thickness of 4 inches may be used in a thickness up to 10 inches when the building is equipped with an approved automatic fire suppression system.

For use in rooms within buildings, this requirement shall apply to both the room and that part of the building in which the room is located.

(3) Foam plastics having a maximum flame-spread rating of 75 may be used in thicknesses up to 4 inches in free-standing walk-in coolers or freezer units less than 400 square feet in floor area without a thermal barrier and without an automatic fire suppression system when the foam plastic is covered by a metal facing not less than 0.032 inch thick aluminum or No. 26 gauge steel. When protected by a thermal barrier, the foam plastic may be used in thicknesses up to 10 inches.

(4) Foam plastic insulation having a flame spread of 25 or less may be used in a thickness of not more than 4 inches without the thermal barrier when the foam plastic is covered by a metal facing not less than 0.032 inch thick aluminum or No. 26 gauge steel and the building is provided with an automatic fire suppression system.

(5) Foam plastic may be used in a roof covering assembly without the thermal barrier when the foam is separated from the interior of the building by plywood sheathing not less than 1/2 inch in thickness bonded with interior glue, with edges supported by blocking, tongue-and-groove joints or other approved type of edge support, or an equivalent material.

Foam plastic roof insulation that complies with Factory Mutual Standard 4450 or Underwriters Laboratories Subject 1256 need not meet the requirements of this paragraph.

For roofing applications, the smoke-developed rating shall not be limited.

(6) Foam plastics having a flame-spread rating of 75 or less may be used as a core material without a thermal barrier when the door is covered by a metal facing of not less than 0.032 inch thick aluminum or No. 26 gauge steel.

(7) Foam plastics may be used as a siding backer board with a maximum thickness of 1/2 inch, provided it is separated from the interior of the building by not less than 2 inches of mineral fiber insulation or equivalent, or when applied as residing over existing wall construction.

(8) Within an attic or crawl space where entry is made only for service of utilities, foam plastics shall be protected against ignition by 1 1/2 inch thick mineral fiber insulation, 1/4 inch thick plywood, particleboard, hardboard or gypsum wallboard, No. 26 gauge sheet steel or other approved material installed in such a manner that the foam plastic is not exposed. [1991, c. 2, §96 (COR) .]

B. Existing low hazard storage facilities with foam plastic insulation may be maintained without the required thermal barrier.

(1) Potato storage facilities constructed after the effective date of this paragraph shall provide an approved thermal barrier over foam plastic insulation for a minimum of 8' above the floor.

(2) The State Fire Marshal may permit in specific circumstances the use of foam plastic with a flame barrier when such use does not create a life safety hazard. [1981, c. 101, (NEW) .]

[ 1991, c. 2, §96 (COR) .]

**2. Alternate installations.** Foam plastics may be used in applications other than as listed in this section, when specifically approved by the State Fire Marshal based on diversified tests such as the Factory Mutual Building Corner Test Procedure or the enclosed room test procedures described in Underwriters Laboratories Subject 723. These approvals shall also be based on tests conducted in accordance with ASTM E-84 and ASTM D1929. Testing shall be performed on the finished manufactured foam plastic assemblies and on the maximum thickness intended for use.

[ 1979, c. 167, (NEW) .]

**3. Penalty.** Any violation of this section shall be a Class E crime.

[ 1979, c. 167, (NEW) .]

#### SECTION HISTORY

1979, c. 167, (NEW). 1981, c. 101, (AMD). RR 1991, c. 2, §96 (COR).

## §2448. CONSTRUCTION PERMIT; WHEN REQUIRED

A property owner, agent or representative of the owner may not construct, alter or change the use of any structure to become a public building without first obtaining from the Commissioner of Public Safety or from a municipality designated pursuant to section 2448-A a permit for that purpose. A request for a permit must be accompanied by a true copy of the plans and specifications for that construction, reconstruction or change of use. The commissioner shall issue a permit only if the plans comply with statutes and lawful rules adopted to reduce fire hazards. [2009, c. 364, §1 (AMD).]

The term "public building" includes any building or structure constructed, operated or maintained for use by the general public, which includes, but is not limited to, all buildings or portions of buildings used for a schoolhouse, hospital, convalescent, nursing or boarding home to be licensed by the Department of Health and Human Services, Division of Licensing and Regulatory Services; theater or other place of public assembly, mercantile occupancy over 3,000 square feet, hotel, motel or business occupancy of 2 or more stories; or any building to be state-owned or state-operated. [2009, c. 364, §1 (AMD).]

The term "true copy" means an accurate representation by dimensioned plans and specifications of the final construction documents. [1983, c. 232, §1 (RPR).]

### SECTION HISTORY

1973, c. 242, §1 (AMD). 1975, c. 293, §4 (AMD). 1979, c. 208, §1 (AMD). 1983, c. 232, §1 (RPR). 2003, c. 689, §B6 (REV). 2007, c. 324, §17 (REV). 2009, c. 364, §1 (AMD).

## §2448-A. MUNICIPAL REVIEW OF DEVELOPMENT

The Commissioner of Public Safety, referred to in this section as "the commissioner," may register municipalities for authority to issue permits required by section 2448 under the following conditions. For purposes of this section, "municipal reviewing authority" has the same meaning as defined in Title 30-A, section 4366, subsection 7. [2009, c. 364, §2 (NEW).]

**1. Projects.** A municipality registered pursuant to this section may review projects of public buildings as described in section 2448.

[ 2011, c. 304, Pt. J, §1 (AMD) .]

**2. Registration.** The commissioner shall register municipalities to grant permits for projects under subsection 1 if the commissioner finds that the municipality meets all of the following criteria.

A. A municipal building official has been appointed pursuant to section 2351-A. [2011, c. 94, §3 (AMD).]

B. The municipality has an employee that is certified as a plan reviewer by the National Fire Protection Association. [2009, c. 364, §2 (NEW).]

C. The municipality has adopted by reference the fire codes adopted by the Office of the State Fire Marshal pursuant to sections 2452 and 2465. [2009, c. 364, §2 (NEW).]

D. The municipality has adequate resources to administer and enforce the provisions of the fire codes under paragraph C. [2009, c. 364, §2 (NEW).]

E. The procedures for public hearing and notification have been established including:

- (1) Notice to the commissioner upon receipt of an application, including a description of the project;
- (2) Notice of issuance and denial to the applicant and commissioner, including the reason for denial;
- (3) Public notification of the application and any hearings; and



(4) Procedures for public hearing. [ 2009, c. 364, §2 (NEW) . ]

F. The procedures for appeal of local decisions by aggrieved parties are defined. [ 2009, c. 364, §2 (NEW) . ]

G. A registration form, provided by the commissioner, has been completed and submitted by the municipality, demonstrating compliance with the criteria under this subsection. [ 2009, c. 364, §2 (NEW) . ]

H. The municipality is currently enforcing the Maine Uniform Building and Energy Code. [ 2009, c. 364, §2 (NEW) . ]

The Department of Public Safety shall publish on its publicly accessible website a list of those municipalities that are registered pursuant to this subsection.

[ 2011, c. 94, §3 (AMD) . ]

**3. Current requirements.** A municipality registered under this section shall ensure that its municipal regulations continue to meet the criteria listed in subsection 2.

A. The commissioner shall immediately notify a registered municipality of new or amended rules. [ 2009, c. 364, §2 (NEW) . ]

B. A municipality shall adopt amendments to its municipal regulations within one calendar year of the effective date of new or amended rules adopted by the Department of Public Safety. Within 45 days of the adoption of the amended municipal regulations, the municipality shall submit the amendments for approval by the commissioner. [ 2009, c. 364, §2 (NEW) . ]

[ 2009, c. 364, §2 (NEW) . ]

**4. Suspension of registration.** If the commissioner finds that a municipality no longer meets the criteria under subsection 2, or is not adequately implementing those requirements, the commissioner may suspend the registration under subsection 2 and shall immediately notify the municipality. The notice must contain findings of fact and conclusions of law. If the registration is suspended, the commissioner shall provide the municipality with the necessary procedures to come into compliance with this section.

[ 2009, c. 364, §2 (NEW) . ]

**5. Central list of pending projects.** The commissioner shall maintain and make available a list of projects that are pending municipal review under this section.

[ 2009, c. 364, §2 (NEW) . ]

**6. Technical assistance.** The commissioner may provide technical assistance to municipalities upon request for projects reviewed under this section.

[ 2009, c. 364, §2 (NEW) . ]

**7. Application review process.** Upon determination by the municipal reviewing authority that an application for a permit or permit amendment under this section is complete for processing, the municipal reviewing authority shall submit to the commissioner within 14 days of that determination a copy of the project application.

A. [ 2011, c. 304, Pt. J, §2 (RP) . ]

B. [ 2011, c. 304, Pt. J, §2 (RP) . ]

[ 2011, c. 304, Pt. J, §2 (RPR) . ]

**8. Record of review and basis for decision.**

[ 2011, c. 304, Pt. J, §3 (RP) .]

**9. State jurisdiction.** The Department of Public Safety shall review projects and exercise jurisdiction for a registered municipality if:

A. The municipal reviewing authority in which the project is located petitions the commissioner in writing; or [ 2009, c. 364, §2 (NEW) .]

B. The proposed project is located in more than one municipality. [ 2009, c. 364, §2 (NEW) .]

[ 2009, c. 364, §2 (NEW) .]

**10. Joint enforcement.** A permit or permit amendment issued by a municipal reviewing authority may be enforced by either the commissioner or the municipality that issued the permit or permit amendment.

[ 2009, c. 364, §2 (NEW) .]

## SECTION HISTORY

2009, c. 364, §2 (NEW). 2011, c. 94, §3 (AMD). 2011, c. 304, Pt. J, §§1-3 (AMD).

**§2449. PENALTY**

Whoever violates the provisions of section 2448 shall be guilty of a Class E crime. [ 1979, c. 208, §2 (RPR) .]

## SECTION HISTORY

1973, c. 242, §2 (AMD). 1975, c. 293, §4 (AMD). 1979, c. 208, §2 (RPR).

**§2450. EXAMINATIONS BY DEPARTMENT OF PUBLIC SAFETY**

The Commissioner of Public Safety shall adopt, in accordance with requirements of the Maine Administrative Procedure Act, a schedule of fees for the examination of all plans for construction, reconstruction or repairs submitted to the Department of Public Safety. The fee schedule for new construction or new use is 5¢ per square foot for occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for review of a plan for new construction by a public school may not exceed \$450. The fee schedule for reconstruction, repairs or renovations is based on the cost of the project and may not exceed \$450, except as provided in section 2450-A. Except for projects reviewed by a municipality pursuant to section 2448-A, the fees must be credited to a special revenue account to defray expenses in carrying out this section. Any balance of the fees may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years. For projects reviewed by a municipality that include occupied spaces, a 1¢ fee per square foot must be remitted to the Department of Public Safety and a 4¢ fee per square foot must be paid to the municipality. [ 2009, c. 364, §3 (AMD) .]

A municipality is prohibited from charging a developer a fee that is in excess of the 4¢ fee per square foot for fire code permits. This limitation does not prohibit a municipality from charging fees for other construction-related permits. [ 2009, c. 364, §3 (NEW) .]

## SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 242, §3 (AMD). 1973, c. 725, §3 (AMD). 1973, c. 788, §111 (AMD). 1979, c. 186, (AMD). 1983, c. 232, §2 (RPR). 1993, c. 410, §X4 (AMD). 1997, c. 728, §24 (AMD). 2003, c. 358, §1 (AMD). 2007, c. 699, §12 (AMD). 2009, c. 364, §3 (AMD).

## §2450-A. SURCHARGE ON PLAN REVIEW FEE FOR UNIFORM BUILDING CODES AND STANDARDS FUND

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the activities of the Division of Building Codes and Standards under chapter 314 and the activities of the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund established by section 2374. [2013, c. 424, Pt. A, §13 (NEW).]

### SECTION HISTORY

2007, c. 699, §13 (NEW). 2011, c. 633, §12 (AMD). 2011, c. 655, Pt. FF, §4 (AMD). 2011, c. 655, Pt. FF, §16 (AFF). 2013, c. 424, Pt. A, §13 (RPR).

## §2451. DOORS OF PUBLIC BUILDINGS TO OPEN OUTWARDS (REPEALED)

### SECTION HISTORY

1973, c. 632, §10 (RP).

## §2452. LIFE SAFETY AND PROPERTY PROTECTION

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems may not be required in existing commercial places of assembly that are open for no more than 50 days per calendar year. "Commercial places of assembly" includes bars with live entertainment, dance halls, nightclubs, assembly halls with large open areas in which patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A. [2011, c. 691, Pt. A, §25 (RPR).]

### 1. Effective date.

[ 2007, c. 632, §2 (RP) .]

**2. Rights declared.** Any person aggrieved by a rule or by an act of the commissioner in enforcing the rule may have that person's rights declared by bringing an action for declaratory judgment under Title 14, chapter 707, naming the commissioner as defendant.

[ 1997, c. 728, §25 (AMD) .]

**3. Violation.** A person who violates a rule issued by the commissioner under this section commits a Class E crime.

[ 2003, c. 535, §3 (AMD) .]

Existing buildings licensed pursuant to Title 22, Subtitle 6 having more than 6 boarders, with the exception of board and care facilities and children's homes, must comply with any rules for residential board and care occupancies required by the Commissioner of Public Safety, except that such existing facilities of not more than 2 stories in height are not required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction. Such existing facilities must be protected by a complete approved automatic sprinkler system and meet all other requirements of residential board and care occupancies as required by the Commissioner of Public Safety. [2007, c. 82, §3 (AMD).]

Existing boarding care facilities licensed pursuant to Title 22, Subtitle 6 must comply with the applicable fire safety requirements of the Life Safety Code adopted by the Commissioner of Public Safety pursuant to Title 22, section 7856. [2003, c. 535, §3 (AMD).]

Existing children's homes licensed pursuant to Title 22, Subtitle 6 must comply with the applicable fire safety requirements of the Life Safety Code of the National Fire Protection Association adopted by the Commissioner of Public Safety pursuant to Title 22, section 8103. [2003, c. 535, §3 (AMD).]

#### SECTION HISTORY

1967, c. 301, (AMD). 1971, c. 592, §35 (AMD). 1973, c. 187, (AMD). 1973, c. 660, (AMD). 1975, c. 142, (AMD). 1975, c. 491, §3 (AMD). 1975, c. 771, §266 (AMD). 1977, c. 78, §161 (AMD). 1979, c. 59, §§1,2 (AMD). 1985, c. 770, §17 (AMD). 1997, c. 728, §25 (AMD). 2001, c. 596, §B22 (AMD). 2001, c. 596, §B25 (AFF). 2003, c. 411, §§2,3 (AMD). 2003, c. 535, §3 (AMD). 2007, c. 82, §3 (AMD). 2007, c. 632, §§1, 2 (AMD). 2011, c. 349, §1 (AMD). 2011, c. 398, §1 (AMD). 2011, c. 691, Pt. A, §25 (AMD).

### **§2452-A. USE OF CANDLES**

No regulation of the Commissioner of Public Safety shall prohibit the use of candles by any officials of religious or fraternal orders during the course of a religious or fraternal service, which service occurs on the property of said church or fraternal order, provided the said use of candles is properly supervised. [1971, c. 592, §35 (AMD).]

#### SECTION HISTORY

1967, c. 273, (NEW). 1971, c. 592, §35 (AMD).

### **§2453. FIRE ESCAPES; APPEALS**

*(REPEALED)*

#### SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §11 (AMD). 1999, c. 384, §19 (AMD). 2001, c. 31, §1 (AMD). 2007, c. 258, §1 (RPR). 2013, c. 76, §1 (RP).

### **§2454. -- INSPECTIONS**

*(REPEALED)*

#### SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §12 (RP).

### **§2455. NOTICE AS TO SUFFICIENCY OF SAFEGUARDS**

*(REPEALED)*

SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §12 (RP).

**§2456. FAILURE TO COMPLY WITH ORDERS FOR SAFEGUARDS**

*(REPEALED)*

SECTION HISTORY

1973, c. 632, §13 (RP).

**§2457. CERTIFICATE OF SUFFICIENCY OF SAFEGUARDS; COMPENSATION FOR INSPECTION; RETURN**

*(REPEALED)*

SECTION HISTORY

1973, c. 632, §13 (RP).

**§2458. CERTIFICATE TO BE POSTED IN BUILDING**

*(REPEALED)*

SECTION HISTORY

1973, c. 632, §13 (RP).

**§2459. TOWN OFFICERS' REFUSAL TO PERFORM DUTIES**

*(REPEALED)*

SECTION HISTORY

1973, c. 632, §13 (RP).

**§2460. FINES**

*(REPEALED)*

SECTION HISTORY

1973, c. 632, §13 (RP).

**§2461. INVESTIGATION BY STATE FACTORY INSPECTOR OR COMMISSIONER OF PUBLIC SAFETY**

*(REPEALED)*

SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §14 (RP).

**§2462. PLUNDERING AT FIRES AS LARCENY**

*(REPEALED)*

SECTION HISTORY

2003, c. 24, §1 (RP).

## §2463. INSTALLATION OF SPRINKLER SYSTEMS AND SMOKE, HEAT OR FIRE DETECTION SYSTEMS

All new hotels constructed after January 1, 1992 of any type construction having 2 stories or more above grade level, must be protected by a complete approved automatic sprinkler system. [1991, c. 359, (AMD).]

All high-rise buildings constructed after January 1, 1992 of any type construction must be protected by a complete approved automatic sprinkler system. [1991, c. 359, (NEW).]

All other hotels having 2 stories or more above grade level must be protected by a complete approved smoke, heat or fire detection system operated by electrical current or powered by batteries by July 1, 1981. [1991, c. 359, (AMD).]

The Commissioner of Public Safety or the commissioner's designee shall inspect all systems installed pursuant to this section and shall approve all systems that comply with this section, except that when the hotel is located in a municipality that has a municipal fire department or incorporated volunteer fire department, that department is responsible for the inspection and approval of the system, unless the Commissioner of Public Safety agrees to undertake that responsibility. [1997, c. 728, §26 (AMD).]

The term "hotel" includes buildings or groups of buildings under the same management in which there are more than 15 sleeping rooms for hire, whether designated as a hotel, inn, club, motel, apartment hotel or by any other name. [1985, c. 183, (AMD).]

The term "high-rise building" includes any building used for any commercial purpose that is 75 feet or more above grade level. [1991, c. 359, (NEW).]

Any person or corporation violating this section is guilty of a Class E crime. [1991, c. 359, (AMD).]

### SECTION HISTORY

1969, c. 409, (NEW). 1971, c. 240, (AMD). 1971, c. 622, §85 (AMD).  
1977, c. 665, (RPR). 1985, c. 183, (AMD). 1991, c. 359, (AMD). 1997,  
c. 728, §26 (AMD).

## §2463-A. INSTALLATION OF SPRINKLER SYSTEMS IN DORMITORIES

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automatic sprinkler system" means an automatic sprinkler system that at a minimum satisfies the requirements of Pamphlet 13 or 13R of the National Fire Protection Association or other requirements established by the State Fire Marshal. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

B. "Department" means the Department of Public Safety. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

C. "Dormitory" means a building or space in a building owned by a public educational institution in which:

- (1) At least 5 rooms are provided as sleeping accommodations for students of the public educational institution; or
- (2) Sleeping accommodations are provided for 15 or more students of the public educational institution. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

D. "Public educational institution" means the University of Maine System, the Maine Community College System, the Maine Maritime Academy, the Maine School for Marine Science, Technology, Transportation and Engineering or the Maine School of Science and Mathematics. [2015, c. 363, §7 (AMD).]

[ 2015, c. 363, §7 (AMD) .]

**2. Approved automatic sprinkler system.** A dormitory of a public educational institution must be equipped with an automatic sprinkler system in accordance with this subsection.

A. A dormitory constructed by a public educational institution or a building converted into a dormitory by a public educational institution after the effective date of this paragraph must be equipped with a complete automatic sprinkler system before the department approves the dormitory for occupancy. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

B. Dormitories of a public educational institution that exist on and are used as dormitories after January 1, 2001 must be equipped as follows:

(1) By January 1, 2007, at least 1/3 of the total square footage of those dormitories must be equipped with an automatic sprinkler system;

(2) By January 1, 2010, at least 2/3 of the total square footage of those dormitories must be equipped with an automatic sprinkler system; and

(3) By January 1, 2013, all of those dormitories must be equipped with a complete automatic sprinkler system. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

[ 2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF) .]

**3. Report.** Beginning in 2003 and every 2 years thereafter, the State Fire Marshal shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters concerning compliance with subsection 2. The report must be submitted by February 15th of the year the report is due.

[ 2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF) .]

#### SECTION HISTORY

2001, c. 674, §A1 (NEW). 2001, c. 674, §A2 (AFF). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). 2015, c. 363, §7 (AMD).

## §2464. SMOKE DETECTORS

**1. Definition.** "Smoke detector" means a device that, when activated by the presence of smoke, provides an alarm suitable to warn the occupants within the individual dwelling unit in which it is attached and that has been listed for use by a nationally recognized independent testing laboratory.

[ 1997, c. 728, §27 (AMD) .]

### 2. Smoke detectors required.

[ 2009, c. 551, §1 (RP) .]

**2-A. Smoke detectors required.** The owner shall properly install, or cause to be properly installed, in accordance with the manufacturer's requirements at the time of installation, smoke detectors in:

A. A single-family dwelling the construction of which is completed after January 1, 1982; [2009, c. 551, §2 (NEW).]

B. Each unit in a building of multifamily occupancy; [2009, c. 551, §2 (NEW).]

C. An addition to or restoration of an existing single-family dwelling that adds at least one bedroom to the dwelling and the construction of which is completed after September 19, 1985; and [2009, c. 551, §2 (NEW).]

D. A conversion of a building to a single-family dwelling completed after September 19, 1985. [2009, c. 551, §2 (NEW).]

A smoke detector installed or replaced, after the effective date of this subsection, within 20 feet of a kitchen or of a bathroom containing a tub or shower must be a photoelectric-type smoke detector except that ionization detectors are permitted within the bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom containing a tub or shower.

[2009, c. 551, §2 (NEW).]

**3. Multiapartment buildings.** In multiapartment buildings more than 3 stories in height, approved smoke detectors must also be installed in each corridor and hallway on each floor.

[1997, c. 728, §28 (AMD).]

#### 4. Regulations.

[1997, c. 728, §29 (RP).]

**4-A. Rules.** The Commissioner of Public Safety or the commissioner's designee, in accordance with the Maine Administrative Procedure Act, shall adopt rules pertaining to smoke detectors. The rules adopted must include, but not be limited to, standards for approved smoke detectors and all requirements of use, maintenance and installation. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 475, §1 (NEW).]

**5. Penalties.** A person who violates this section is guilty of a civil violation and is subject to a forfeiture of not more than \$500 for each violation. The court may waive any penalty or cost against any violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.

[1997, c. 728, §30 (AMD).]

**6. Liability.** Nothing in this section gives rise to any action against an owner required to comply with subsection 2-A or subsection 9, paragraph A if the owner has conducted an inspection of the required smoke detectors immediately after installation and has reinspected the smoke detectors prior to occupancy by each new tenant, unless the owner has been given at least 24 hours' actual notice of a defect or failure of the smoke detector to operate properly and has failed to take action to correct the defect or failure.

[2009, c. 551, §3 (AMD).]

**7. Noninterference.** A person may not knowingly interfere with or make inoperative any smoke detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the detector or make it inactive. The detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

[1991, c. 260, (NEW).]



**8. Smoke alarms for persons with disabilities.** Upon the request of a deaf or hard-of-hearing occupant, the owner of the dwelling unit shall provide an approved smoke alarm suitable to warn the occupant within the dwelling unit. If the owner does not provide a suitable smoke alarm, the occupant may purchase, install and maintain a suitable smoke detector, or arrange for proper installation and maintenance of a suitable smoke detector, and may deduct the actual costs from the rent for the dwelling unit. An occupant or tenant may not be charged, evicted or penalized in any way for failure to pay the actual cost deducted from the rent for the dwelling unit.

[ 1997, c. 95, §2 (NEW) .]

**9. Rental units.** In a unit occupied under the terms of a rental agreement or under a month-to-month tenancy:

A. At the time of each occupancy, the landlord shall provide smoke detectors if they are not already present. The smoke detectors must be in working condition. After notification, in writing, of any deficiencies by the tenant, the landlord shall repair or replace the smoke detectors. If the landlord did not know and had not been notified of the need to repair or replace a smoke detector, the landlord's failure to repair or replace the smoke detector may not be considered as evidence of negligence in a subsequent civil action arising from death, property loss or personal injury; [ 2009, c. 551, §4 (AMD) .]

B. The tenant shall keep the smoke detectors in working condition by keeping charged batteries in the smoke detectors, by testing the smoke detectors periodically and by refraining from disabling the smoke detectors; and [ 2009, c. 551, §4 (AMD) .]

C. The landlord may install 10-year sealed tamper-resistant battery-powered smoke detectors if the unit is a single-family dwelling. [ 2009, c. 551, §4 (NEW) .]

[ 2009, c. 551, §4 (AMD) .]

**10. Transfer of dwelling.** A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install smoke detectors in the acquired dwelling within 30 days of acquisition or occupancy of the dwelling, whichever is later, if smoke detectors are not already present, and shall certify at the closing of the transaction that the purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The smoke detectors must be installed in accordance with the manufacturer's requirements at the time of installation. The smoke detectors must be powered by the electrical service in the building or by battery.

A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a smoke detector.

Violation of this subsection does not create a defect in title.

[ 2009, c. 551, §5 (AMD) .]

#### SECTION HISTORY

1981, c. 399, §1 (NEW). 1985, c. 175, (AMD). 1985, c. 190, (AMD). 1991, c. 260, (AMD). 1997, c. 95, §§1,2 (AMD). 1997, c. 728, §§27-30 (AMD). 2001, c. 475, §1 (AMD). 2009, c. 162, §§1-4 (AMD). 2009, c. 551, §§1-5 (AMD).

## §2465. ADOPTION OF RULES

### 1. Adoption of rules.

[ 2005, c. 571, §1 (RP) .]

**1-A. Routine technical rules.** The Commissioner of Public Safety shall adopt rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Rules adopted pursuant to this subsection may include rules pertaining to maintenance and inspections, except as provided in subsection 1-B. Rules adopted pursuant to this subsection may not prohibit:

A. The continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact; and
- (3) A carbon monoxide detector is installed in the building near a bedroom; or [ 2011, c. 225, §1 (NEW) . ]

B. The connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use on or after February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact;
- (3) A carbon monoxide detector is installed in the building near a bedroom;
- (4) The solid fuel burning appliance has been listed by Underwriters Laboratories or by an independent, nationally recognized testing laboratory or other testing laboratory approved by the Maine Fuel Board, established under Title 5, section 12004-A, subsection 49; and
- (5) The solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. [ 2011, c. 225, §1 (NEW) . ]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2011, c. 225, §1 (RPR) . ]

**1-B. Major substantive rules.** The Commissioner of Public Safety may adopt rules requiring maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2005, c. 571, §1 (NEW) . ]

**2. Prohibitions.** A person may not for compensation construct, install or maintain any vent or solid fuel burning appliance unless that vent or appliance is constructed, installed or maintained in accordance with this section or the rules adopted pursuant to this section. Construction and installation of chimneys and fireplaces are also governed by Title 32, chapter 139.

[ 2009, c. 344, Pt. D, §2 (AMD); 2009, c. 344, Pt. E, §2 (AFF) . ]

**3. Enforcement.** Subject to Title 32, chapter 139, the Commissioner of Public Safety or the commissioner's designees, state fuel inspectors, duly appointed fire chiefs or their designees and municipal building officials and code enforcement officers may enforce the requirements of this section, the rules adopted pursuant to this section and Title 32, section 18108.

[ 2009, c. 344, Pt. D, §3 (AMD); 2009, c. 344, Pt. E, §2 (AFF) . ]

**4. Prior installation.** Any chimney, fireplace, vent or solid fuel burning appliance constructed or installed prior to July 13, 1982 may be continued in use subject to the provisions of section 2432.

[ 2005, c. 571, §1 (AMD) .]

**5. Home rule.** Subject to Title 32, chapter 139, any municipality may adopt ordinance requirements for the materials, installation, construction, maintenance or inspection of chimneys, fireplaces, vents or solid fuel burning appliances that exceed the requirements of this section and the rules adopted pursuant to this section.

[ 2009, c. 344, Pt. D, §4 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

**5-A. Safety information.** A new factory-built fireplace, fireplace stove or solid fuel burning room heater may not be sold in retail trade, unless the seller provides the buyer, on or before the sale, with an installation instruction manual or, in the case where such a manual is not available, with a publication of the Department of Economic and Community Development containing recommended clearances in accordance with the rules adopted pursuant to this section.

[ 2005, c. 571, §1 (AMD) .]

**6. Penalty.** The following penalties apply.

A. A person who, for compensation, constructs or installs vents or solid fuel burning appliances in violation of the standards and then permits such violation to remain uncorrected after 30 days' notice from an official empowered to enforce this section commits a civil violation for which a fine of not more than \$500 for each violation may be adjudged. The court may waive any penalty or cost against a violator upon satisfactory proof that the violation was corrected within 30 days of the issuance of a complaint. Construction and installation of chimneys and fireplaces are governed by Title 32, chapter 139. [2009, c. 344, Pt. D, §5 (AMD); 2009, c. 344, Pt. E, §2 (AFF).]

B. A person who fails to provide a purchaser with an instruction manual or the authorized publication of the Department of Economic and Community Development, as described in subsection 5-A, commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged. [2003, c. 452, Pt. N, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. A person who violates paragraph B after having previously violated paragraph B commits a civil violation for which a fine of not less than \$500 and not more than \$800 for each offense may be adjudged. [2003, c. 452, Pt. N, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. A person who violates a rule adopted pursuant to this section commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged, except that this paragraph does not apply to a rule requiring an annual chimney inspection for a single-family home. [2005, c. 571, §1 (NEW).]

In addition to the penalties provided in this subsection, a violation of this chapter constitutes a violation of Title 5, chapter 10.

[ 2009, c. 344, Pt. D, §5 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

#### SECTION HISTORY

1981, c. 622, (NEW). 1983, c. 231, §§1,2 (AMD). 1989, c. 501, §§DD32,DD33 (AMD). 1991, c. 198, §§3,4 (AMD). 1991, c. 714, §§7,8 (AMD). 1997, c. 728, §§31,32 (AMD). RR 2003, c. 1, §25 (COR). 2003, c. 452, §N6 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 571, §1 (AMD). RR 2007, c. 2, §12 (COR). 2009, c. 250, §1 (AMD). 2009, c. 344, Pt. D, §§2-5 (AMD). 2009, c. 344, Pt. E, §2 (AFF). 2011, c. 225, §1 (AMD).

**§2466. RADON STANDARD***(REPEALED)*

## SECTION HISTORY

2007, c. 90, §1 (NEW). 2007, c. 699, §14 (AMD). 2009, c. 261, Pt. A, §13 (AMD). MRSA T. 25, §2466, sub-§5 (RP).

**§2467. RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS PROHIBITED**

**1. Definition.** For purposes of this section, "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes that is designed to appear to be a toy, feature a flashing light or make musical sounds. "Novelty lighter" does not include:

- A. A lighter manufactured prior to January 1, 1980; [2007, c. 510, §1 (NEW).]
- B. A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame; or [2007, c. 510, §1 (NEW).]
- C. Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills. [2007, c. 510, §1 (NEW).]

[ 2007, c. 510, §1 (NEW) .]

**2. Prohibition; penalty.** A person may not sell at retail, offer for retail sale or distribute for retail sale or promotion in this State a novelty lighter. A person who violates this subsection commits a civil violation for which a fine of not more than \$500 may be imposed.

[ 2007, c. 510, §1 (NEW) .]

**3. Exception.** The prohibition specified in subsection 2 does not apply to the transportation of novelty lighters through this State or the storage of novelty lighters in a warehouse or distribution center in this State that is closed to the public for purposes of retail sales.

[ 2007, c. 510, §1 (NEW) .]

**4. Enforcement.** This section may be enforced by the State Fire Marshal's Office; a state, county or municipal law enforcement officer; or a municipal code enforcement officer.

[ 2007, c. 510, §1 (NEW) .]

## SECTION HISTORY

2007, c. 510, §1 (NEW).

**§2468. CARBON MONOXIDE DETECTORS**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Carbon monoxide detector" means a device with an assembly that incorporates a sensor control component and an alarm notification that detects elevations in carbon monoxide levels and sounds a warning alarm and is approved or listed for the purpose by a nationally recognized independent testing laboratory. [2009, c. 162, §5 (NEW).]

A-1. "Educational facility" means a public or private postsecondary institution incorporated or chartered under the laws of this State or a child care facility as defined in Title 22, section 8301-A, subsection 1-A, paragraph B. [2015, c. 375, §1 (NEW); 2015, c. 375, §5 (AFF).]

B. "Powered by the electrical service" means either plugged into an electrical outlet or hardwired. [2009, c. 551, §6 (AMD).]

[ 2015, c. 375, §1 (AMD); 2015, c. 375, §5 (AFF) .]

**2. Carbon monoxide detectors required.** The owner shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each area within, or giving access to, bedrooms in:

A. Each unit in any building of multifamily occupancy; a fraternity house, sorority house or dormitory that is affiliated with an educational facility; a children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101; or a hotel, motel, inn or bed and breakfast licensed as an eating and lodging place or a lodging place under Title 22, chapter 562. The owner shall use a carbon monoxide detector that is powered by:

- (1) Both the electrical service in the building and a battery;
- (2) A nonreplaceable 10-year battery; or
- (3) A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel; [2015, c. 396, §1 (AMD).]

B. Any addition to or restoration of:

- (1) An existing single-family dwelling that adds at least one bedroom to the dwelling unit.

The owner shall use a carbon monoxide detector that is powered both by the electrical service in the building and by a battery; and [2015, c. 375, §2 (AMD); 2015, c. 375, §5 (AFF) .]

C. Any conversion of a building to:

- (1) A single-family dwelling; or
- (1-A) A structure listed in paragraph A.

The owner shall use a carbon monoxide detector that is powered both by the electrical service in the building and by a battery. [2015, c. 375, §2 (AMD); 2015, c. 375, §5 (AFF).]

[ 2015, c. 396, §1 (AMD) .]

**3. Carbon monoxide detectors for persons with disabilities.** Upon the request of a deaf or hard-of-hearing occupant, the owner of a dwelling unit shall provide an approved carbon monoxide detector suitable to warn the occupant within the dwelling unit. If the owner does not provide a suitable carbon monoxide detector, the occupant may purchase, install and maintain a suitable carbon monoxide detector or arrange for proper installation and maintenance of a suitable carbon monoxide detector and may deduct the actual costs from the rent for the dwelling unit. An occupant may not be charged, evicted or penalized in any way for failure to pay the actual costs deducted from the rent for the dwelling unit.

[ 2009, c. 162, §5 (NEW) .]

**4. New construction.** A person who constructs any of the following shall install or cause to be installed at least one carbon monoxide detector in each area within, or giving access to, any bedroom in the new construction of:

- A. A single-family dwelling; [2011, c. 553, §2 (NEW).]

B. A hotel, motel, inn or bed and breakfast upon initial licensure of that new construction as an eating and lodging place or a lodging place under Title 22, chapter 562 on or after August 1, 2012; or [ 2011 , c. 553, §2 (NEW) .]

C. A fraternity house, sorority house or dormitory established on or after August 1, 2012 that is affiliated with a private or public school or private or public postsecondary institution incorporated or chartered under the laws of this State. [ 2011, c. 553, §2 (NEW) .]

The carbon monoxide detector must be powered both by the electrical service in the building or dwelling and by battery.

[ 2011, c. 553, §2 (RPR) .]

**5. Rental units.** In a unit occupied under the terms of a rental agreement or under a month-to-month tenancy:

A. At the time of each occupancy, the landlord shall provide carbon monoxide detectors if carbon monoxide detectors are not already present. The carbon monoxide detectors must be in working condition. After notification, in writing, of any deficiencies by the tenant, the landlord shall repair or replace the carbon monoxide detectors. If the landlord did not know and had not been notified of the need to repair or replace a carbon monoxide detector, the landlord's failure to repair or replace the carbon monoxide detector may not be considered as evidence of negligence in a subsequent civil action arising from death, property loss or personal injury; and [ 2009, c. 551, §9 (AMD) .]

B. The tenant shall keep the carbon monoxide detectors in working condition by keeping the carbon monoxide detectors connected to the electrical service in the building, by keeping charged batteries in carbon monoxide detectors backed up by batteries, by testing the carbon monoxide detectors periodically and by refraining from disabling the carbon monoxide detectors. [ 2009, c. 551, §9 (AMD) .]

[ 2009, c. 551, §9 (AMD) .]

**6. Transfer of dwelling.** A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install carbon monoxide detectors in the acquired dwelling within 30 days of acquisition or occupancy of the dwelling, whichever is later, if carbon monoxide detectors are not already present, and shall certify at the closing of the transaction that the purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The carbon monoxide detectors must be installed in accordance with the manufacturer's requirements at the time of installation in each area within, or giving access to, bedrooms and must be powered both by the electrical service in the dwelling or building and by battery.

A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a carbon monoxide detector.

Violation of this subsection does not create a defect in title.

[ 2009, c. 551, §10 (AMD) .]

**7. Rules.** The Commissioner of Public Safety or the commissioner's designee, in accordance with the Maine Administrative Procedure Act, shall adopt rules pertaining to carbon monoxide detectors. The rules adopted must include, but are not limited to, standards for approved carbon monoxide detectors and all requirements of use, maintenance and installation. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2009, c. 162, §5 (NEW) .]

**8. Penalties.** A person who violates this section is guilty of a civil violation and is subject to a fine of not more than \$500 for each violation. The court may waive any penalty or cost against any violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.

[ 2009, c. 162, §5 (NEW) . ]

**9. Liability.** Nothing in this section gives rise to any action against an owner required to comply with subsection 2, paragraph A or subsection 5, paragraph A if the owner has conducted an inspection of the required carbon monoxide detectors immediately after installation and has reinspected the carbon monoxide detectors prior to occupancy by each new tenant, unless the owner has been given at least 24 hours' actual notice of a defect or failure of the carbon monoxide detector to operate properly and has failed to take action to correct the defect or failure.

[ 2009, c. 162, §5 (NEW) . ]

**10. Noninterference.** A person may not knowingly interfere with or make inoperative any carbon monoxide detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a carbon monoxide detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the carbon monoxide detector or make it inactive. The carbon monoxide detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

[ 2009, c. 162, §5 (NEW) . ]

**11. Educational facilities.** An educational facility shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each building of the educational facility that is used for educational purposes by at least 6 persons for at least 4 hours per day or more than 12 hours per week. The owner shall use a carbon monoxide detector that is powered by:

A. Both the electrical service in the building and a battery; [2015, c. 396, §2 (AMD) .]

B. A nonreplaceable 10-year battery; or [2015, c. 396, §2 (AMD) .]

C. A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel. [2015, c. 396, §2 (NEW) .]

[ 2015, c. 396, §2 (AMD) . ]

**12. Exemption.** A dormitory or other building of an educational facility is exempt from the requirements of this section if the dormitory or other building meets the standards for the installation of carbon monoxide detection and warning equipment adopted by the National Fire Protection Association.

[ 2015, c. 375, §3 (NEW); 2015, c. 375, §5 (AFF) . ]

**13. Compliance schedule.** A public or private postsecondary institution shall, for each dormitory or other building that is not exempt from the requirements of this section pursuant to subsection 12, begin installation of carbon monoxide detectors as required by this section by August 1, 2016 and shall achieve full compliance by January 1, 2019.

[ 2015, c. 375, §3 (NEW); 2015, c. 375, §5 (AFF) . ]

#### SECTION HISTORY

2009, c. 162, §5 (NEW). 2009, c. 551, §§6-10 (AMD). 2011, c. 553, §§1, 2 (AMD). 2015, c. 375, §§1-3 (AMD). 2015, c. 375, §5 (AFF). 2015, c. 396, §§1, 2 (AMD).

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